

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

SMITHS GROUP, PLC,

Plaintiff,

Case No. 0:13-cv-00052-DSD-TNL

vs.

NOTICE OF MOTION HEARING

RONALD A. FRISBIE,

Defendant.

PLEASE TAKE NOTICE that, on January 17, 2013, at 10:00 a.m., or as soon thereafter as counsel may be heard, at the United States Courthouse, 300 South Fourth Street, Courtroom 14W, Minneapolis, Minnesota 55415, before The Honorable David S. Doty, Plaintiff Smiths Group, plc (“Plaintiff”) will move the Court as follows:

1. For a Temporary Restraining Order pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, enjoining Defendant Ronald A. Frisbie (“Defendant”) from:
 - a. being employed by or providing any services to CareFusion Corporation or any affiliate thereof; and
 - b. using or disclosing any confidential information of Smiths Medical.
2. For an Order pursuant to Rules 26(d), 30, 33, 34 and 36 of the Federal Rules of Civil Procedure, permitting limited expedited discovery that may be of particular use to the Court in determining a preliminary injunction motion. Specifically, Plaintiff seeks an order requiring Defendant to:

- a. produce immediately all documents in his possession, custody or control that concern or reflect any communications with CareFusion prior to January 7, 2013; and
- b. return immediately all Smiths Medical documents in his possession, custody or control.

This motion will be based on the pleadings, records and proceedings herein, including the accompanying Memorandum of Law and Affidavits.

Dated: January 14, 2013

Respectfully submitted,

GREENE ESPEL PLLP

s/ Lawrence M. Shapiro
Lawrence M. Shapiro, P.A., #130886
Campbell Mithun Tower – Suite 2200
222 South Ninth Street
Minneapolis, Minnesota 55402
(612) 373-8325

-and-

DEBEVOISE & PLIMPTON LLP
Jyotin Hamid, Esq.*
Claire Martirosian, Esq.*
919 Third Avenue
New York, New York 10022
(212) 909-1031
*Admitted *pro hac vice*

Counsel for Plaintiff Smiths Group, plc